

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

MICHAEL POSTAWKO, *et al.*,

Plaintiffs,

v.

**MISSOURI DEPARTMENT OF
CORRECTIONS, *et al.*,**

Defendants.

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No. 2:16-cv-4219-NKL

**JOINT FOURTH MOTION TO AMEND SCHEDULING ORDER
AND SUGGESTIONS IN SUPPORT THEREOF**

The parties believe there is good cause to extend certain a single case deadline and therefore jointly request that the Court enter a new scheduling order reflecting their agreement as follows:

1. On November 21, 2019, this Court granted Plaintiffs' unopposed Third Motion to Amend Scheduling Order. *See* ECF No. 399. In keeping with the order, Defendants' depositions pursuant to Rule 30(b)(6) shall be completed on or before December 13, 2019.

2. In order to accommodate Defendants' schedules, Plaintiffs have agreed that two of Defendant Corizon's corporate designees, Tonya Mooningham and Dr. Pete Powell, may testify on December 19, 2019.

3. This is the fourth motion to amend the scheduling order. The first joint motion to amend the scheduling order was filed on August 9, 2017, before the case was stayed pending appeal. *See* ECF No. 176. Plaintiffs' second motion to amend the scheduling order was filed on August 27, 2019. *See* ECF No. 362. Plaintiffs' third motion to amend the scheduling order was filed on November 19, 2019. *See* ECF No. 398.

4. This motion is made in good faith, and not for the purpose of delay. It is the parties' expectation that moving the above deadline will not affect the August 17, 2020, trial date or any other deadlines in this case or resolution of the pending motion for preliminary injunction.

5. A proposed order on this Motion shall be submitted to the Court in compliance with the February 26, 2019 Amended Scheduling and Jury Trial Order.

WHEREFORE, for the foregoing reasons, the parties respectfully request that the Court enter an order amending its February 26, 2019 Amended Scheduling Order, as outlined in the proposed order submitted contemporaneously herewith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of November, 2019, a true and correct copy of the foregoing document was electronically filed using the Court's online case filing system, which will send notice to all counsel of record.

By: /s/ Amy E. Breihan